

No. 108, Original

Supreme Court, U.S.

FILED

JUN 19 1987

JOSEPH F. SPANIOL, JR.
CLERK

IN THE
Supreme Court of the United States

October Term, 1986

STATE OF NEBRASKA,

Plaintiff,

v.

STATE OF WYOMING,

Defendant.

**NEBRASKA'S ANSWER TO WYOMING'S
COUNTERCLAIM**

ROBERT M. SPIRE

Attorney General of Nebraska

Department of Justice

State Capitol

Lincoln, Nebraska 68509

(402) 471-2682

LEROY W. SIEVERS

Assistant Attorney General

RICHARD A. SIMMS

Special Assistant Attorney General

Counsel of Record

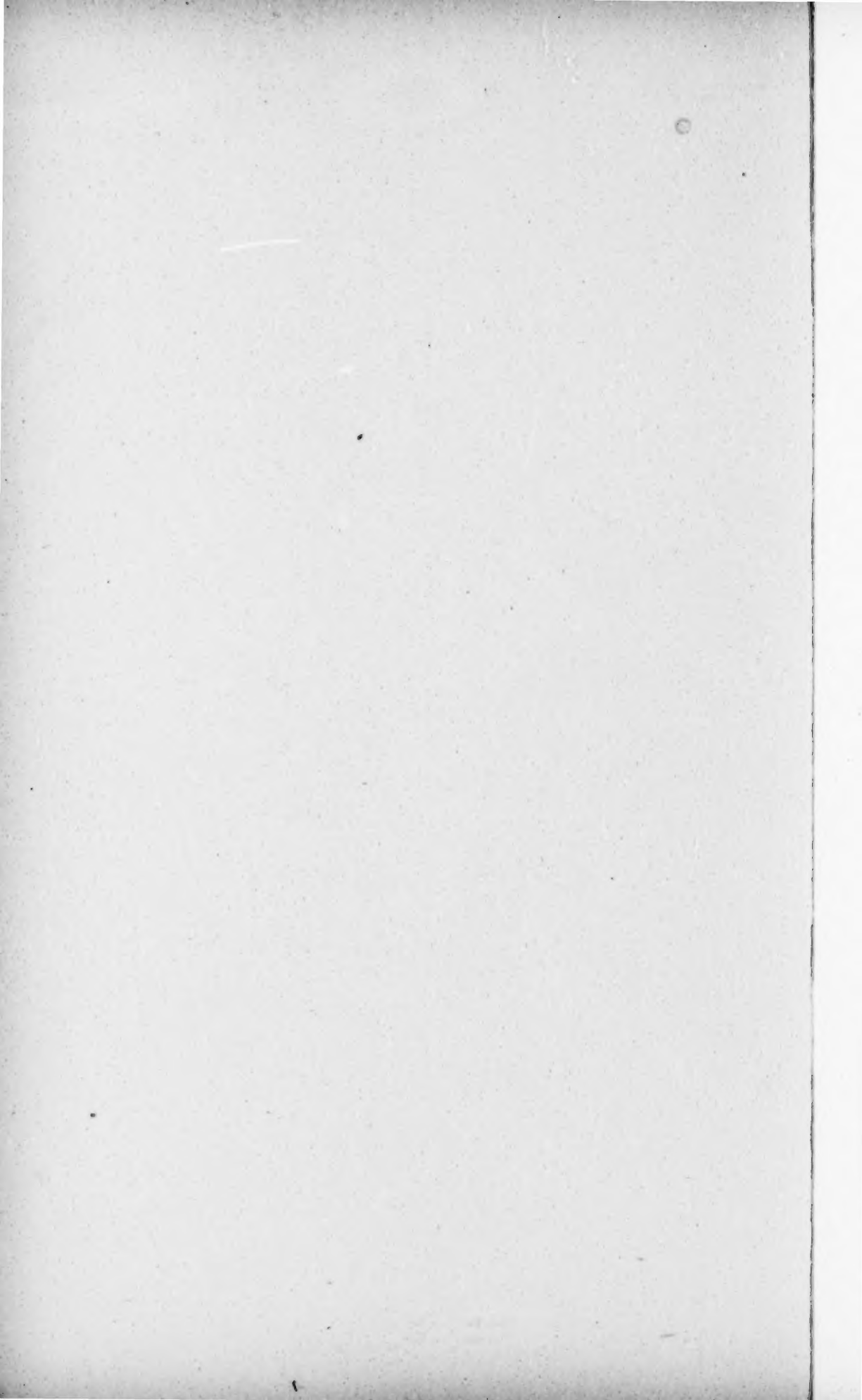
HINKLE, COX, EATON, COFFIELD
& HENSLEY

Post Office Box 2068

Santa Fe, New Mexico 87504-2068

(505) 982-4554

June 19, 1987



No. 108, Original

IN THE
Supreme Court of the United States

October Term, 1986

STATE OF NEBRASKA,
Plaintiff,

v.

STATE OF WYOMING,
Defendant.

**NEBRASKA'S ANSWER TO WYOMING'S
COUNTERCLAIM**

Pursuant to the Court's order of April 29, 1987, the State of Nebraska answers the State of Wyoming's counterclaim as follows:

1. The allegation of paragraph 1 is admitted.
2. The allegations that Nebraska has intentionally circumvented and violated the Decree, and continues to do so, is denied. Specifically, Nebraska denies:
 - a. That it has demanded natural flow water for diversion by irrigation canals at and above Tri-State Dam in excess of the present beneficial use requirements of lands entitled to water from said canals;

b. That it has demanded natural flow and storage water from sources above Tri-State Dam and by-passed or diverted it for uses below Tri-State Dam that are not recognized or authorized by the Decree;

c. That it has used or is using its share of Glendo Reservoir water outside the basin of the North Platte River in western Nebraska, that it has or is using Glendo water for uses other than irrigation, and that Glendo water has or is being used as a substitute for storage water previously available under permanent arrangements.


3. Each allegation of paragraph 3 is denied.

4. Each allegation of paragraph 4 is denied.

Respectfully submitted,

ROBERT M. SPIRE
Attorney General of Nebraska
Department of Justice
State Capitol
Lincoln, Nebraska 68509
(402) 471-2682

LEROY W. SIEVERS
Assistant Attorney General

A handwritten signature in black ink, appearing to read 'R. A. Simms', is written over a horizontal line.

RICHARD A. SIMMS
Special Assistant Attorney General
Counsel of Record

HINKLE, COX, EATON, COFFIELD
& HENSLEY
Post Office Box 2068
Santa Fe, New Mexico 87504-2068
(505) 982-4554

No. 108, Original

IN THE
Supreme Court of the United States

October Term, 1986

STATE OF NEBRASKA,
Plaintiff,

v.

STATE OF WYOMING,
Defendant.

CERTIFICATE OF SERVICE

I, Richard A. Simms, hereby certify that three true and correct copies of Nebraska's Answer to Wyoming's Counterclaim were served on each of the following parties required to be served, in accordance with U.S. Supreme Court Rule 28, by depositing the same in the United States mail with first-class postage prepaid and addressed on this 19th day of June, 1987 to:

The Honorable Charles Fried
United States Solicitor General
United States Department of Justice
Constitution Avenue & Tenth Street, N.W.
Washington, D.C. 20530

Andrew F. Walch
Land & Natural Resources Division
United States Department of Justice
Post Office Box 7415
Washington, D.C. 20004

The Honorable Michael J. Sullivan
Governor of the State of Wyoming
State Capitol
Cheyenne, Wyoming 82002

The Honorable Joseph B. Meyer
Wyoming Attorney General
State Capitol, Room 123
Cheyenne, Wyoming 82002

The Honorable Roy Romer
Governor of the State of Colorado
136 State Capitol Building
Denver, Colorado 80203

The Honorable Duane Woodard
Colorado Attorney General
Department of Law
1525 Sherman Street, Third Floor
Denver, Colorado 80203

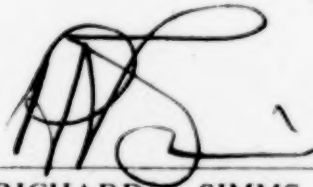
Charles N. Woodruff
Moses, Wittemyer, Harrison
and Woodruff, P.C.
102 Walnut Street, Suite 300
Boulder, Colorado 80302

Abbe David Lowell
Brand & Lowell
923 Fifteenth Street, N.W.
Washington, D.C. 20005

Joseph N. Onek
Onek, Klein & Farr
2550 M Street, N.W.
Washington, D.C. 20037

Tom Watson
Crowell & Moring
1001 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Edward Weinberg
Duncan, Weinberg & Miller, P.C.
1615 M Street, N.W., Suite 800
Washington, D.C. 20036

A stylized, handwritten signature in dark ink, appearing to be 'RAS' with a long horizontal flourish extending to the right.

RICHARD A. SIMMS
Special Assistant Attorney General
Counsel of Record

**HINKLE, COX, EATON, COFFIELD
& HENSLEY**
Post Office Box 2068
Santa Fe, New Mexico 87504-2068
(505) 982-4554